



# Senate

General Assembly

**File No. 517**

January Session, 2007

Senate Bill No. 1454

*Senate, April 17, 2007*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE REQUIREMENTS FOR FILING AN AFFIDAVIT IN LIEU OF ADMINISTRATION IN THE PROBATE OF A SMALL ESTATE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 45a-273 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2007*):

4 (a) The surviving spouse of any person who dies, or if there is no  
5 surviving spouse, any of the next of kin of such decedent, or if there is  
6 no next of kin or if such surviving spouse or next of kin refuses, then  
7 any suitable person whom the court deems to have a sufficient interest  
8 may, in lieu of filing an application for admission of a will to probate  
9 or letters of administration, file an affidavit or statement signed under  
10 penalty of false statement in the court of probate in the district  
11 [wherein] in which the decedent resided, stating, if such is the case,  
12 that all debts of the decedent have been paid in the manner prescribed  
13 by section 45a-392, at least to the extent of the fair value of all of the

14 decedent's assets, when (1) such decedent leaves property of the type  
15 described in subsection (b) of this section, and (2) the aggregate value  
16 of any such property as described in subsection (b) of this section does  
17 not exceed the sum of [twenty] forty thousand dollars. In addition,  
18 such affidavit or statement shall state that the decedent either did, or  
19 did not, receive aid or care from the state, which shall also include aid  
20 or care from the Department of Veterans' Affairs, whichever is true.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	45a-273(a)

**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 08 \$</b>	<b>FY 09 \$</b>
Probate Court	PCAF - None	None	None
Various State Agencies	Various - See Below	See Below	See Below

Note: PCAF=Probate Court Administration Fund

**Municipal Impact:** None

#### **Explanation**

Under current law individuals can file an affidavit with the probate court instead of filing an application for admission of a will, or letters of administration. An individual is eligible to file an affidavit if: (1) the decedent leaves certain types of property or, (2) if the aggregate value of the property does not exceed \$20,000. The bill increases the aggregate value of the property to \$40,000. The fee charged to a decedent's estate is based on the gross taxable estate, whether it is an affidavit or an application for admission. There is a minimum fee of \$150 to file an application for admission of a will, or letters of administration. When filing an affidavit in lieu of administration the probate fee is calculated using the statutory fee schedule. Any estate with a total aggregate value over \$10,000 is charged a probate fee of at least \$150. Therefore, the change contained in the bill to increase the aggregate value of property to \$40,000 will have no fiscal impact on the fees collected by the probate court.

The expediting of additional probate proceedings may result in procedural efficiencies for state agencies that attempt to claim payment from decedents who have received state care. This provision is not anticipated to impact state agency resources.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****SB 1454*****AN ACT CONCERNING THE REQUIREMENTS FOR FILING AN AFFIDAVIT IN LIEU OF ADMINISTRATION IN THE PROBATE OF A SMALL ESTATE.*****SUMMARY:**

This bill permits expedited probate proceedings for settling certain decedent's estates valued at \$40,000 or less instead of \$20,000 or less.

EFFECTIVE DATE: October 1, 2007

**ESTATES THAT CAN USE AN AFFIDAVIT IN LIEU OF ADMINISTRATION**

The law allows certain people, instead of filing an application for admission of a will to probate or letters of administration, to file an affidavit with probate court. The affidavit must state that all the decedent's debts have been paid as prescribed by law, at least to the extent of the fair value of the decedent's assets. Current law allows this affidavit when (1) the decedent leaves certain types of property and (2) the property's aggregate value does not exceed \$20,000. The bill increases the aggregate value to \$40,000.

**BACKGROUND*****Affidavits in Lieu of Administration***

By law, an affidavit must also state that a decedent either did, or did not, receive aid or care from the state, including aid or care from the Department of Veterans' Affairs.

The types of property covered by this law include:

1. bank deposits;
2. equity in shares in any savings and loan association or federal

savings and loan association or credit union doing business in Connecticut;

3. corporate stock or bonds;
4. any unpaid wages due from any corporation, firm, individual, association, or partnership located in Connecticut;
5. any death benefit payable from any fraternal order or shop society or under any insurance policy for which the decedent failed to name a beneficiary entitled to receive such death benefit;
6. other personal property, tangible or intangible, including any motor vehicle or motor boat registered in his or her name; or
7. an unreleased interest in a mortgage with or without value.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (04/02/2007)